

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

**CASE NO.:**

STEVEN LAMONT MARKOS,

Plaintiff,

v.

MASSACHUSETTS PEACE ACTION,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**  
**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff STEVEN LAMONT MARKOS by and through his undersigned counsel, brings this Complaint against Defendant MASSACHUSETTS PEACE ACTION for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff STEVEN LAMONT MARKOS (“Markos”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Markos' original copyrighted Work of authorship.

2. Markos owns and operates the website, National Park Planner, [www.npplan.com](http://www.npplan.com). Markos started National Park Planner in 2014 to bring to the public first-hand coverage of the over 400 National Parks that make up America’s National Park System, including summaries of the park’s amenities and professional photographs of the terrain.

3. Defendant MASSACHUSETTS PEACE ACTION (“MAPA”) is a nonprofit organization which seeks to advance political peace through grassroots organization including

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the cessation of war and use of nuclear weapons. At all times relevant herein, MAPA owned and operated the internet website located at the URL [www.masspeaceaction.org](http://www.masspeaceaction.org) (the “Website”).

4. Markos alleges that MAPA copied Markos' copyrighted Work from the internet in order to advertise, market and promote its business activities. MAPA committed the violations alleged in connection with MAPA’s business for purposes of advertising and promoting sales to the public in the course and scope of the MAPA’s business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Massachusetts.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

### **DEFENDANT**

9. Massachusetts Peace Action is a Massachusetts Not-for-Profit organization, with its principal place of business at 11 Garden Street, Cambridge, MA 02138, and can be served by serving its President, Jonathan King, at 40 Essex St, Cambridge, MA 02139.

### **THE COPYRIGHTED WORK AT ISSUE**

10. In 2018, Markos created the photograph entitled “Boston-093”, which is shown below and referred to herein as the “Work”.

11. Markos registered the Work with the Register of Copyrights on July 4, 2018 and was assigned the registration number VA 2-120-749. The Certificate of Registration is attached hereto as Exhibit 1.

12. Markos' Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Markos was the owner of the copyrighted Work at issue in this case.



**INFRINGEMENT BY DEFENDANT**

14. MAPA has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, MAPA copied the Work.

16. On or about January 17, 2020, Markos discovered the unauthorized use of his Work on the Website. The Work was used in conjunction for an event titled “Hearing on State Flag & Seal and Right to Boycott” scheduled for November 19, 2019, @ 9:30 am 5:00 pm.

17. MAPA copied Markos' copyrighted Work without Markos' permission.

18. After MAPA copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its schedule of activities.

19. MAPA copied and distributed Markos' copyrighted Work in connection with MAPA's business for purposes of advertising and promoting MAPA's business, and in the course and scope of advertising and selling products and services.

20. Markos' Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. MAPA committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

22. Markos never gave MAPA permission or authority to copy, distribute or display the Work at issue in this case.

23. Markos notified MAPA of the allegations set forth herein on July 30, 2020 and August 14, 2020. To date, MAPA has failed to respond to Plaintiff's Notices. Copies of the Notices to MAPA are attached hereto as Exhibit 3.

**COUNT I  
COPYRIGHT INFRINGEMENT**

24. Markos incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Markos owns a valid copyright in the Work at issue in this case.

26. Markos registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. MAPA copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Markos' authorization in violation of 17 U.S.C. § 501.

28. MAPA performed the acts alleged in the course and scope of its business activities.

29. MAPA's acts were willful.

30. Markos has been damaged.

31. The harm caused to Markos has been irreparable.

WHEREFORE, the Plaintiff Steven LaMont Markos prays for judgment against the Defendant Massachusetts Peace Action that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and MAPA's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Plaintiff be awarded pre and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: May 11, 2021

Respectfully submitted,

*/s/ Tammy Bouchard Baker*

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